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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,765	01/18/2002	William Ho Chang		5434

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William H. Chang
FLEXIWORLD TECHNOLOGIES, INC.
PMB 267
3439 N.E. Sandy Blvd.
Portland, OR 97232-1959

EXAMINER

RILEY, MARCUS T

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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07/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/053,765	Applicant(s) CHANG ET AL.	
	Examiner MARCUS T. RILEY	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) 1-28 and 34-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-33 and 39-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/08/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 08, 2009 has been entered.

Response to Amendment

2. This office action is responsive to applicant's remarks received on May 08, 2009. Claims 29-33 & 39-59 remain pending. Claims 1-28 & 34-38 have been cancelled.

Response to Arguments

3. Applicant's arguments with respect to claim 29-33 & 31-59, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. **Claims 29-33 & 31-59** are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 7,272,788 B2 hereinafter, Anderson '788) in combination with Taniguchi et al. (US 6,801,962 B2 hereinafter, Taniguchi '962).

Regarding claim 29; Anderson '788 discloses a method of transferring digital data content from an information apparatus with a wireless communication unit to a wireless output device by short range wireless communication (See Figure 1 where the client device 12 refers to an electronic device capable of communicating wireless over a network "*A client device 12 refers to an electronic device capable of capturing and/or displaying digital images and communicating over a network, such as the Internet.*" column 3, lines 22-24, 30-32 and 41-47);

the output device being at least one of an audio device and a display device other than a printing device the method comprising: (See Figure 1 where the output device is photo-service site 14. Note: Anderson '788 at column 4, line 67 thru column 5, line 1 states that the term images also encompasses media types such as movies, sound annotations. See also column 3, lines 44-47 and column 3, lines 18-21);

opening a wireless communication channel at the wireless communication unit ("*The client devices 12 communicates over the Internet via a wireless or wired connection...*" See column 3, lines 30-32);

downloading the digital data content from a server over a network to the information apparatus ("*The present invention provides a method and system for merging metadata with **digital images**, where the **digital images** are stored ... The method and system include receiving data uploaded from a remote location to a web server...*" See column 2, lines 15-17).

Anderson '788 does not expressly disclose searching wirelessly for a wireless output device that is available for wireless connection; receiving over the wireless communication channel from each wireless output device found in the search a device dependent attribute that corresponds to each wireless output device and includes at least one of a name, a device type, a device address number, a security code, and a device profile; selecting a wireless output device

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found in the search based at least in part on the received device dependent attributes and establishing a wireless connection with the selected wireless output device; conforming, at the information apparatus, at least part of the digital data content into an output data, the conforming using at least in part the said device dependent attribute received from the selected wireless output device and over the wireless communication channel, the output data including at least one digital file encoded with a digital format that include the digital data content; and transferring the output data over the wireless connection to the selected wireless output device for output.

Taniguchi '962 discloses searching wirelessly for a wireless output device that is available for wireless connection (See Fig's 8 & 15 wherein #73 is the Output Device Search Means and #81 is the wireless connection to the output device 74. See column 12, line 57 thru column 13 line 3; and column 16, lines 24-37).

receiving over the wireless communication channel from each wireless output device found in the search a device dependent attribute that corresponds to each wireless output device and includes at least one of a name, a device type, a device address number, a security code, and a device profile (See Fig's 8 & 15 and column 12, line 57 thru column 13 line 3 where the portable terminal device 73 has a mode to search for the output device 74, a mode to select one output device 74 out of a plurality of the output devices 74 detected by the search, a mode to send a request for outputting the image data to the server 72, and a mode to send an identification code (output ID) of the selected output device 74 to the server 72.)

selecting a wireless output device found in the search based at least in part on the received device dependent attributes and establishing a wireless connection with the selected wireless output device (See Fig's 8 & 15 wherein #81 is the wireless connection to the output device 74 and see column 12, line 57 thru column 13 line 3 where the portable terminal device 73 has a mode to search for the output device 74, a mode to select one output device 74 out of a plurality of the output devices 74 detected by the search.)

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conforming, at the information apparatus, at least part of the digital data content into an output data, the conforming using at least in part the said device dependent attribute received from the selected wireless output device and over the wireless communication channel, the output data including at least one digital file encoded with a digital format that include the digital data content (See Fig's 8 & 15 and column 12, line 57 thru column 13 line 3 where the image data is conformed at the client 71 and the output data is in a digital format. See also column 12, lines 13-28);

and transferring the output data over the wireless connection to the selected wireless output device for output (See Fig's 8 & 15 wherein #81 is the wireless connection to the output device 74 and the server 72 has a mode to send the image data to the selected output device 74. See column 13, lines 4-13).

Anderson '788 and Taniguchi '962 are combinable because they are from same field of endeavor of network systems ("See Fig. 1 of Taniguchi '962, Network interfaces 11, 31 and 51.)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the network system as taught by Anderson '788 by adding selecting and searching for a wireless output device as taught by Taniguchi '962. The motivation for doing so would have been because it advantageous to provide a more efficient wireless connection over a network to an output device. Therefore, it would have been obvious to combine Anderson '788 with Taniguchi '962 to obtain the invention as specified in claim 29.

Regarding claim 30; Taniguchi '962 discloses after selecting a wireless output device: obtaining a security key at the information apparatus (See column 17, lines 30-43 wherein it is explained that a password is used as a security after the wireless output device is selected.);

sending the security key to the selected wireless output device over the wireless communication channel for authentication (See column 17, lines 30-43 wherein it is explained that a password is checked to see whether it is identical with the registered password.);

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receiving over the wireless communication channel at least an indication related to a successful security key authentication and utilizing the authenticated security key to establish secure wireless access to the selected wireless output device (See column 17, lines 30-43 wherein it is explained that if a password is authenticated by the server. If the received password is identical with the registered password, image data is sent to an output device.)

Regarding claim 31; Anderson '788 discloses a method of secure wireless transfer of digital content from a mobile phone information apparatus to a wireless output device by short range wireless communication (See Figure 1 where the client device 12 refers to an electronic device capable of communicating wireless over a network and the client device may be a mobile phone *"A client device 12 refers to an electronic device capable of capturing and/or displaying digital images and communicating over a network, such as the Internet."* column 3, lines 22-24, 30-32 and 41-47);

the content being previously stored locally at the mobile phone information apparatus or accessible over the internet to the mobile phone information apparatus or downloadable from a server over a network to the mobile phone information apparatus wherein the information apparatus includes a communication unit, the method comprising: (See Figure 1 where the client device 12 refers to an electronic device capable of communicating wireless over a network and the client device may be a mobile phone *"A client device 12 refers to an electronic device capable of capturing and/or displaying digital images and communicating over a network, such as the Internet. Such electronic devices include devices that store digital images,"* column 3, lines 22-25, 30-32 and 41-47);

Anderson '788 discloses does not expressly disclose obtaining over a wireless communication channel at least one attribute from each wireless output device found in the search; the attribute corresponding to each wireless output device found in the search including one or more of a name, a device type, a device address, and an device profile related to each of the wireless device; obtaining a security key relating to the selected wireless output device at the

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mobile phone information apparatus; sending the security key to the selected wireless output device over the wireless communication channel for authentication; receiving over the wireless communication channel at least an indication related to a successful security key authentication; conforming, at the mobile phone information apparatus, at least part of the content into an output data, the conforming being related at least in part to the attribute received from the wireless output device over the wireless communication channel; transferring the output data over the secure wireless communication channel to the selected wireless output device.

Taniguchi '962 discloses obtaining over a wireless communication channel at least one attribute from each wireless output device found in the search (See Fig's 8 & 15 wherein #73 is the Output Device Search Means and #81 is the wireless connection to the output device 74. See column 12, line 57 thru column 13 line 3; and column 16, lines 24-37).

the attribute corresponding to each wireless output device found in the search including one or more of a name, a device type, a device address, and an device profile related to each of the wireless device (See Fig's 8 & 15 and column 12, line 57 thru column 13 line 3 where the portable terminal device 73 has a mode to search for the output device 74, a mode to select one output device 74 out of a plurality of the output devices 74 detected by the search, a mode to send a request for outputting the image data to the server 72, and a mode to send an identification code (output ID) of the selected output device 74 to the server 72.)

obtaining a security key relating to the selected wireless output device at the mobile phone information apparatus (See column 17, lines 30-43 wherein it is explained that a password is used as a security after the wireless output device is selected.);

sending the security key to the selected wireless output device over the wireless communication channel for authentication (See column 17, lines 30-43 wherein it is explained that a password is checked to see whether it is identical with the registered password.);

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receiving over the wireless communication channel at least an indication related to a successful security key authentication (See column 17, lines 30-43 wherein it is explained that if a password is authenticated by the server. If the received password is identical with the registered password, image data is sent to an output device.)

conforming, at the mobile phone information apparatus, at least part of the content into an output data, the conforming being related at least in part to the attribute received from the wireless output device over the wireless communication channel (See Fig's 8 & 15 and column 12, line 57 thru column 13 line 3 where the image data is conformed at the client 71 and the output data is in a digital format. See also column 12, lines 13-28);

transferring the output data over the secure wireless communication channel to the selected wireless output device (See Fig's 8 & 15 wherein #81 is the wireless connection to the output device 74 and the server 72 has a mode to send the image data to the selected output device 74. See column 13, lines 4-13).

Anderson '788 and Taniguchi '962 are combinable because they are from same field of endeavor of network systems ("See Fig. 1 of Taniguchi '962, Network interfaces 11, 31 and 51.)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the network system as taught by Anderson '788 by adding selecting and searching for a wireless output device as taught by Taniguchi '962. The motivation for doing so would have been because it advantageous to provide a more efficient wireless connection over a network to an output device. Therefore, it would have been obvious to combine Anderson '788 with Taniguchi '962 to obtain the invention as specified in claim 31.

Regarding claim 32; Taniguchi '962 discloses where the said security key comprises at least one of a user name, password, ID number, signatures, security keys (physical or digital), biometrics, fingerprints, and a voice (See column 17, lines 30-43 wherein it is explained that a password is used as a security after the wireless output device is selected.).

Regarding claims 33 & 55; Claims 33 & 55 contains substantially the same subject matter as claim 30. Therefore, claims 33 & 55 are rejected on the same grounds as claim 30.

Regarding claim 39; Anderson '788 discloses wherein the wireless output device includes an audio device (See Figure 1 where the output device is photo-service site 14. Note: Anderson '788 at column 4, line 67 thru column 5, line 1 states that the term images also encompasses media types such as movies, sound annotations. See also column 3, lines 44-47 and column 3, lines 18-21);

Regarding claim 40; Anderson '788 discloses wherein the information apparatus includes desktop computer, a laptop computer, a networked computer, a palmtop computer, a hand-held computer, a personal digital assistant, an Internet enabled mobile phone, a smart phone, an Internet appliance or a web pad (See Figure 1 where the information apparatus (client device 12) refers to PC, PDA or Cell Phone and etc.).

Regarding claim 41; Anderson '788 discloses wherein the information apparatus further includes a client application with one or more functionalities that include internet browsing, outputting content, content selection, content creation, and content editing (See Figure 1 wherein client 12 may browse the internet.).

Regarding claim 42; Anderson '788 discloses wherein the wireless communication unit includes one or more of radio, infrared, cellular, ultrasonic, hydrophonic wireless communication (See Figure 1 where the information apparatus (client device 12) refers to PC, PDA or Cell Phone and etc.).

Regarding claim 43; Anderson '788 discloses wherein the wireless communication channel is compatible to a Bluetooth wireless protocol or one that is compatible to IEEE802.11 protocol (See Publication section for IEEE publications. It is obvious to one of ordinary skill in the art and it is inferred that the wireless communication unit is compatible to IEEE standard protocol.).

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Regarding claim 44; Anderson ‘788 discloses wherein the device profile includes information related to at least one of a quality of service, a billing, a pricing, and a communication method (*“In a preferred embodiment, the image gateway 18 is provided with a database 32 for supporting the aggregation of data and services across the various photo-service sites 14. This enables the image gateway 18 to support a single login for a particular client device 12 and enables data sharing, such as billing information, across photo-service sites 14.”* column 4, lines 40-49);

Regarding claim 45; Claim 45 contains substantially the same subject matter as claim 43. Therefore, claim 45 is rejected on the same grounds as claim 43.

Regarding claim 46 & 56; Claims 46 & 56 contains substantially the same subject matter as claim 42. Therefore, claims 46 & 56 are rejected on the same grounds as claim 42.

Regarding claim 47 & 48; Claims 47 & 48 contains substantially the same subject matter as claim 39. Therefore, claims 47 & 48 are rejected on the same grounds as claim 39.

Regarding claim 49 & 57; Claims 49 & 57 contains substantially the same subject matter as claim 44. Therefore, claims 49 & 57 are rejected on the same grounds as claim 44.

Regarding claims 50 & 59; Independent claims 50 & 59 contain substantially the same subject matter as independent claim 29. Therefore, claims 50 & 59 are rejected on the same grounds as claim 29.

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Regarding claim 52; Claim 52 contains substantially the same subject matter as claim 41. Therefore, claim 52 is rejected on the same grounds as claim 41.

Regarding claim 53; Taniguchi '962 discloses wherein the client application further includes a audio or video content creation or editing for creating or editing of the audio content at the information apparatus (See Figure 8 wherein *"FIG. 8 shows a data output system according to the present embodiment. This system includes a client 71 who creates image data..."* column 12, lines 13-15).

Regarding claim 54; Anderson '788 discloses wherein the information apparatus includes a memory component and the audio or video content is stored locally in the memory component of the information apparatuses, and the digital audio or video client application accessing the content locally for sending to the output device over the wireless communication channel (See Figure 1 where the client device 12 refers to an electronic device capable of communicating wireless over a network and the client device may be a mobile phone *"A client device 12 refers to an electronic device capable of capturing and/or displaying digital images and communicating over a network, such as the Internet. Such electronic devices include devices that store digital images,"* column 3, lines 22-25, 30-32 and 41-47).

Regarding claim 58; Claim 58 contains substantially the same subject matter as claim 48. Therefore, claim 58 is rejected on the same grounds as claim 48.

Examiner Notes

6. The Examiner cites particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the

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individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully considers the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or as disclosed by the Examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS T. RILEY whose telephone number is (571)270-1581. The examiner can normally be reached on Monday - Friday, 7:30-5:00, est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcus T. Riley
Assistant Examiner
Art Unit 2625

/MARCUS T. RILEY/
Examiner, Art Unit 2625

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/David K Moore/

Supervisory Patent Examiner, Art Unit 2625